

MONDAY, MARCH 11, 1996

SEVENTY-SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Pinion.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 893: Rep(s). Windle as prime sponsor(s).

House Bill No. 1963: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 1975: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 1998: Rep(s). Cole(Carter) as prime sponsor(s).

House Bill No. 2352: Rep(s). Ford and Peach as prime sponsor(s).

House Bill No. 2381: Rep(s). Bittle as prime sponsor(s).

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House Bill No. 2568: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2675: Rep(s). Langster as prime sponsor(s).

House Bill No. 2689: Rep(s). Fowlkes as prime sponsor(s).

House Bill No. 2925: Rep(s). Langster, Ritchie, Armstrong, Kent, Cole(Carter), Turner(Hamilton), Williams(Union) and Tindell as prime sponsor(s).

SPONSORS REMOVED

House Bill No. 2648: Rep(s). White as prime sponsor(s).

SIGNED

March 8, 1996

The Speaker signed the following: Senate Bill(s) No(s). 1967, 1970, 1987, 2013, 2038, 2065, 2075, 2080, 2122, 2193, 2196, 2197, 2199, 2216, 2356, 2365, 2369, 2443, 2519, 2548, 2562, 2619, 2622, 2683, 2711, 2837, 2926, 2958 and 3017; also, Senate Joint Resolution(s) No(s). 341, 342, 343 and 344.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 359, 360 and 365; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 359 - Memorials, Heroism - James Wade Moore. by *Springer, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 360 - Memorials, Heroism - James " Jimbo" Cleveland Warren. by *Springer, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Wallace, *Wilder, *Womack, *Wright.

Senate Joint Resolution No. 365 - Memorials, Sports - 1995 Riverdale High School football team, TSSAA Class 5-A state runner-up. by *Womack.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2033; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 367 and 368; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 367 -- Memorials, Professional Achievement - Fire Museum of Memphis. by *Ford J, *Kyle, *Cohen.

Senate Joint Resolution No. 368 -- Memorials, Recognition and Thanks - Rufus Thomas. by *Ford J, *Cohen, *Crowe, *Dixon, *Kyle, *Harper.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 462** -- General Assembly, Studies - Creates joint study committee for highway safety and to draft comprehensive highway safety act. by *DeBerry J, *DeBerry L, *Bowers.

House Transportation Committee

House Joint Resolution No. 463 -- Memorials, Congress - Urges that states be afforded greater latitude and control in issuance of waivers for farmers from federal commercial driver license requirements. by *Patton.

House Transportation Committee

House Joint Resolution No. 464 -- Highway Signs - "David M. Brewer Bridge," Ramble Creek on S.R. 69A, Benton County. by *Peach.

House Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 13, 1996:

House Resolution No. 188 -- Memorials, Death - Ernest George Schrichte, Jr. by *Joyce.

House Joint Resolution No. 465 -- Memorials, Personal Occasion - Elbert T. Marvin, 100th Birthday. by *Bell.

House Joint Resolution No. 466 -- Memorials, Retirement - G. Robert Owens. by *Patton.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 13, 1996:

Senate Joint Resolution No. 365 -- Memorials, Sports - 1995 Riverdale High School football team, TSSAA Class 5-A state runner-up. by *Womack.

Senate Joint Resolution No. 367 -- Memorials, Professional Achievement - Fire Museum of Memphis. by *Ford J, *Kyle, *Cohen.

Senate Joint Resolution No. 368 -- Memorials, Recognition and Thanks - Rufus Thomas. by *Ford J, *Cohen, *Crowe, *Dixon, *Kyle, *Harper.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3262 -- Lewis County - Subject to local approval, increases compensation of county highway advisory commission members and chairman. Amends Chapter 395 of the Private Acts of 1937, as amended. by *White.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2014** -- Sunset Laws - Aquaculture advisory board, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 43, Chapter 33. by *Haynes.

***Senate Bill No. 2166** -- Insurance, Motor Vehicles - Revises uninsured motorist law to provide that uninsured motorist coverage need not be provided by excess or umbrella insurance policy. Amends TCA Title 56, Chapter 7, Part 12. by *Womack.

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***Senate Bill No. 2220** -- Highways, Roads and Bridges - Prohibits excluding business establishment from participating in logo sign program merely because such establishment does not serve breakfast. Amends TCA Title 54, Chapter 5, Part 11. by *Haun.

Senate Bill No. 2278 -- Mobile Homes and Manufactured Buildings - Codifies certain regulations for permits and movement of overdimensional or overweight vehicles transporting manufactured housing. Amends TCA Title 55, Chapter 4, Part 4; Section 55-7-209 and Title 68, Chapter 126. by *Haun, *Wallace, *Wright, *Koella, *Miller J, *Atchley, *O'Brien, *Springer, *Crowe.

Senate Bill No. 2454 -- TennCare - Requires TennCare Bureau to file report with general assembly containing data and statistics relative to health care provided to women. Amends TCA Title 71, Chapter 5, Part 1. by *Dixon, *Harper.

***Senate Bill No. 2618** -- Sunset Laws - Obion-Forked Deer Basin authority, board of directors, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 1. by *Haynes.

***Senate Bill No. 2724** -- Bad Checks - Increases from \$20.00 to \$25.00 amount payee of bad check can charge as handling charge; makes certain information on check prima facie evidence of identity of person issuing check in bad check prosecution. Amends TCA Title 39, Chapter 14 and Title 47, Chapter 29. by *McNally.

***Senate Bill No. 2742** -- Criminal Offenses - Authorizes court to consider as enhancement factor for aggravated assault or murder that person was emergency medical or rescue worker, emergency medical technician or paramedic whether compensated or acting as volunteer if person performing official duty. Amends TCA Section 39-13-204 and Section 39-13-102. by *Holcomb.

***Senate Bill No. 3060** -- Highways, Roads and Bridges - Prohibits the designation of highways in Maury County until March 1, 1996 or until the availability of further study, whichever comes first. by *Jordan.

***Senate Bill No. 3217** -- Criminal Offenses - Updates references to TCA Title 39. Amends various sections of TCA. by *Crutchfield.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3258 -- Signal Mountain -- Local Bill Held on House Desk

House Bill No. 3259 -- Union County -- Local Bill Held on House Desk

House Bill No. 3260 -- Union County -- Local Bill Held on House Desk

House Bill No. 3261 -- Fayette County -- Local Bill Held on House Desk

CONSENT CALENDAR

House Bill No. 2554 -- Corporations, Not for Profit - Specifies that dues paid to non-profit association that offers insurance cannot be considered premium for insurance. Amends TCA Section 56-8-116. by *Rhinehart, *White, *Walley, *Givens. (*SB2286 by *Rochelle)

On motion, House Bill No. 2554 was made to conform with **Senate Bill No. 2286**; the Senate Bill was substituted for the House Bill.

House Bill No. 2918 -- Pensions and Retirement Benefits - Continues 3.6 percent retirement adjustment. Amends TCA Title 8, Chapter 34. by *Rhinehart, *Miller L, *Kernell, *Fowlkes, *Armstrong, *Pruitt, *Whitson, *Venable, *Gunnels, *Cantrell, *Jones, S., *McDaniel, *Ramsey, *Wood, *McAfee, *Newton. (*SB2796 by *Rochelle)

House Bill No. 2798 -- Criminal Procedure - Deletes requirement for annual reports, regarding the use of citations in lieu of continued custody of an arrested person, by law enforcement agencies to joint oversight committee on corrections. Amends TCA Section 40-7-118(m). by *Rhinehart. (*SB2033 by *Kyle)

On motion, House Bill No. 2798 was made to conform with **Senate Bill No. 2033**; the Senate Bill was substituted for the House Bill.

House Bill No. 2800 -- Taxes, Sales - Permits lump sum payment of local option use tax on leased personal property with single article limit of \$1,600. Amends TCA Section 67-6-204(c)(3). by *West. (*SB2979 by *Henry)

On motion, House Bill No. 2800 was made to conform with **Senate Bill No. 2979**; the Senate Bill was substituted for the House Bill.

House Bill No. 2708 -- Motor Vehicles, Titling and Registration - Authorizes issuance of fish and wildlife special license plates. Amends TCA Title 55, Chapter 4. by *Stulce, *McAfee, *Curtiss, *Cross. (*SB2343 by *Rice, *Crowe, *Hamilton, *Leatherwood, *Elsea, *Carter)

House Bill No. 2309 -- Motor Vehicles, Titling and Registration - Allows for issuance of special license plates for members of Delta Sigma Theta Sorority, Inc. Amends TCA Title 55, Chapter 4. by *Armstrong, *DeBerry L, *Miller L, *Brooks, *Jones U (Shelby), *Bowers, *Pruitt. (*SB2372 by *Harper)

House Bill No. 2415 -- Medical Occupations - Clarifies procedure to be used by nurse practitioners and physician assistants when prescribing legend drugs. Amends TCA Title 63, Chapter 1, 7 and 19 and Title 68, Chapter 1. by *Byrd. (*SB2377 by *Hamilton)

On motion, House Bill No. 2415 was made to conform with **Senate Bill No. 2377**; the Senate Bill was substituted for the House Bill.

House Bill No. 2552 -- Taxes, Agricultural and Open Spaces - Establishes procedures for certification of land for agricultural use under the Agricultural, Forest, and

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Open Space Land Act. Amends TCA Section 67-5-1005. by *White, *Davidson, *Cole (Dyer), *Windle, *Walley, *Callicott, *Williams (Union), *Phelan, *Givens, *Bell, *Winningham. (*SB2416 by *Springer)

House Bill No. 2182 -- Barbers - Authorizes barbers to retire license by submitting approved form and paying \$10.00 fee; requires board to issue retired inactive license certificate upon receipt of fee; prohibits person to engage in practice of barbering until person's license is reactivated. Amends TCA Title 62, Chapter 3, Part 1. by *Gunnels. (*SB2312 by *Miller J)

On motion, House Bill No. 2182 was made to conform with **Senate Bill No. 2312**; the Senate Bill was substituted for the House Bill.

***House Bill No. 2028** -- Motor Vehicles, Titling and Registration - Authorizes commissioner of revenue to establish system of registration renewals for commercial vehicles at alternate intervals during year. Amends TCA Section 55-4-121. by *Kerr, *Bittle, *Davis, *McDaniel, *Boyer, *Newton. (SB2072 by *Miller J, *Holcomb, *Atchley, *Fowler, *Elsea, *Carter, *Leatherwood, *Crowe, *Person, *Rice, *Koella, *Crowe, *Haun)

On motion, House Bill No. 2028 was made to conform with **Senate Bill No. 2072**; the Senate Bill was substituted for the House Bill.

House Bill No. 2292 -- Motor Vehicles, Titling and Registration - Authorizes issuance of special plates depicting support for St. Jude Children's Research Hospital. Amends TCA Title 55, Chapter 4. by *Byrd, *Naifeh, *Rinks. (*SB2179 by *Kyle, *Haun)

***House Bill No. 1965** -- School Transportation - Exempts school vans from complying with federal requirements relative to school buses, except where specifically required to comply. Amends TCA Title 49, Chapter 6, Part 21. by *Westmoreland, *Venable, *Cantrell, *Hicks, *Gunnels, *Ramsey, *Patton, *Clabough, *Walley, *Buck, *Davis, *Newton. (SB2284 by *Haun)

***House Bill No. 1963** -- Highway Signs - "Joseph O. Fuller Memorial Bridge," I-181 over south fork, Holston River. by *Westmoreland. (SB2052 by *Holcomb)

On motion, House Bill No. 1963 was made to conform with **Senate Bill No. 2052**; the Senate Bill was substituted for the House Bill.

House Bill No. 2568 -- Bond Issues - Issues \$18.3 million in bonds to fund technology centers. by *Bragg, *Cole (Dyer), *West, *Kisber, *Phillips, *Cantrell, *Boyer, *Ridgeway, *Winningham, *Fitzhugh, *Pinion, *Lewis, *McDonald, *Eckles, *Davidson, *Fowlkes, *Naifeh, *McKee, *Davis, *Williams (Williamson), *Stulce, *Brooks, *White, *Patton, *Kerr, *McDaniel, *McMillan. (*SB2885 by *Womack)

House Bill No. 2714 -- Utilities, Utility Districts - Clarifies procedures for property tax assessments of public utility companies. Amends TCA Title 67, Chapter 5, Part 13. by *Bragg. (*SB2647 by *Henry)

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On motion, House Bill No. 2714 was made to conform with **Senate Bill No. 2647**; the Senate Bill was substituted for the House Bill.

House Bill No. 2867 -- Municipal Government - Establishes more flexible method for changes in size of municipal board of mayor and aldermen; establishes city court's jurisdiction over criminal cases. Amends TCA Title 6, Chapters 1 through 22. by *Kisber, *West, *Westmoreland, *Kent, *Fowlkes, *Fitzhugh, *Cantrell. (*SB2123 by *Womack)

***House Bill No. 1975** -- Historical Sites - Provides for erection of historical plaque at Routt-Wells Cemetery in Lincoln County. by *Phillips. (SB2048 by *Cooper)

On motion, House Bill No. 1975 was made to conform with **Senate Bill No. 2048**; the Senate Bill was substituted for the House Bill.

House Bill No. 2689 -- Naming and Designating - "Anderson National Guard Armory," Fayetteville. by *Phillips. (*SB2595 by *Cooper)

On motion, House Bill No. 2689 was made to conform with **Senate Bill No. 2595**; the Senate Bill was substituted for the House Bill.

House Bill No. 2395 -- Highway Signs - "Veterans Memorial Parkway," S.R. 111, Overton County. by *Windle. (*SB2294 by *O'Brien)

On motion, House Bill No. 2395 was made to conform with **Senate Bill No. 2294**; the Senate Bill was substituted for the House Bill.

House Bill No. 2397 -- Public Funds and Financing - Authorizes Morgan County to have six-member budget committee rather than five-member committee. Amends TCA Section 5-21-105. by *Windle. (*SB2036 by *O'Brien)

On motion, House Bill No. 2397 was made to conform with **Senate Bill No. 2036**; the Senate Bill was substituted for the House Bill.

House Bill No. 2440 -- Game and Fish Laws - Revises penalties relative to fish and wildlife violations. Amends TCA Title 70, Chapter 1, Part 1; Section 70-2-101(e); Section 70-2-205(e)(1); Section 70-2-215(d); Section 70-2-221(e); Section 70-4-102(c); Section 70-4-108(c); Section 70-4-201(d); Section 70-6-101(b)(2) and Section 70-6-202(b). by *Odom. (*SB2239 by *Gilbert)

***House Joint Resolution No. 241** -- General Assembly, Studies - Requests select oversight committee on TennCare to examine issues relating to managed care organizations and provision of education, equipment, and supplies for self-monitoring of blood glucose levels by diabetics. by *Jones U (Shelby), *DeBerry L, *Bowers, *Towns, *Miller L, *Turner (Shelby), *Brooks.

House Bill No. 3252 -- Alcoa - Subject to local approval, revises city charter. Amends Chapter 510 of the Private Acts of 1919. by *Clabough. (SB3242 by *Koella)

***House Bill No. 3193** -- Sumner County - Subject to local approval, allows at-large member of board of education to be elected as member of education district. Amends Chapter 663 of the Private Acts of 1937. by *Stamps, *McDonald. (SB3230 by *Wright)

House Bill No. 3245 -- Marshall County - Subject to local approval, transfers jurisdiction of probate court to chancery court; transfers clerking duties relative to probate and juvenile courts, with separate recordkeeping procedure for juvenile courts. Amends Chapter 344 of the Private Acts of 1974. by *Beavers, *Fowlkes. (*SB3236 by *Jordan)

House Bill No. 3253 -- Sharon - Subject to local approval, directs refunds be made to persons illegally taxed or erroneously collected. Amends Chapter 177 of the Acts of 1901. by *Herron. (SB3245 by *Hamilton)

House Resolution No. 187 -- Memorials, Recognition and Thanks - Brushy Mountain State Penitentiary, 100th Anniversary. by *Windle.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 2918: by Rep. Rhinehart.

House Bill No. 2708: by Rep. Stulce.

House Bill No. 2309: by Rep. Armstrong.

House Bill No. 2292: by Rep. Byrd.

House Bill No. 1965: by Rep. Tindell.

House Bill No. 2867: by Rep. Boyer.

House Bill No. 2440: by Rep. Callicott.

Under the rules, House Bill No: 2918, 2708, 2309, 2292, 1965, 2867 and 2440 was/were placed at the foot of the calendar for March 13, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry,

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L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 819 -- Education - Allows commissioner of education to grant one-year extension for principals and administrators for required attendance at principal-administrator academy. Amends TCA 49-5-5703. by *Davis, *Huskey, *Roach. (*SB70 by *Haun)

Further consideration of House Bill No. 819, previously considered on February 26, 1996 and March 4, 1996, and reset to today's Calendar.

On motion, House Bill No. 819 was made to conform with **Senate Bill No. 70**; the Senate Bill was substituted for the House Bill.

Rep. Davis moved that Senate Bill No. 70 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 70 by adding at the end of amendatory subdivision (a)(1) in Section 1 of the printed bill a new sentence as follows:

The requirement for attendance at the principal-administrator academy shall be optional to any principal with fifteen (15) or more years of experience as a principal, unless the local board of education requires such attendance.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 2.

Rep. Davis moved that **Senate Bill No. 70**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97

Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2331** -- Highways, Roads and Bridges - Requires notification by county highway commission to adjoining landowners before road can be designated as "county road." Amends TCA Section 54-8-102. by *Buck. (SB2544 by *Springer)

Further consideration of House Bill No. 2331, previously considered on March 4, 1996, and reset to today's Calendar.

Rep. Buck requested that House Bill No. 2331 be moved down 5 places on the Calendar.

House Bill No. 3049 -- Election Laws - Prohibits contesting candidate's nominating petition once county election commission has certified all signatures and accepted petition. Amends TCA Title 2, Chapter 5. by *Jones U (Shelby), *Brooks. (*SB2750 by *Dixon)

Further consideration of House Bill No. 3049, previously considered on March 4, 1996, and reset to today's Calendar.

Rep. Jones U (Shelby) moved that House Bill No(s). 3049 be reset to the Regular Calendar for March 18, 1996, which motion prevailed.

House Bill No. 2623 -- Credit Unions - Specifies that foreign credit unions that only make use of shared service center and/or electronic network in Tennessee to provide services not deemed to be maintaining offices in Tennessee and not subject to Tennessee law regarding opening and maintaining of offices by foreign credit unions. Amends TCA Section 45-4-1904. by *Rhinehart, *Stulce, *Kisber, *Cole (Carter), *Hassell, *Patton, *Wood, *Newton, *Armstrong, *Venable, *Phillips. (*SB2082 by *Rochelle)

On motion, House Bill No. 2623 was made to conform with **Senate Bill No. 2082**; the Senate Bill was substituted for the House Bill.

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Rep. Rhinehart moved that Senate Bill No. 2082 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 2082** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1983** -- Banks and Financial Institutions - Prohibits transactional fees greater than \$0.50 for cashing checks issued by United States or Tennessee government. Amends TCA Title 45. by *Buck. (SB2551 by *Burks)

Rep. Buck moved that House Bill No(s). 1983 be reset to the Regular Calendar for March 18, 1996, which motion prevailed.

House Bill No. 2942 -- Highways, Roads and Bridges - Prohibits the designation of highways in Maury County until March 1, 1996 or until the availability of further study, whichever comes first. by *Napier. (*SB3060 by *Jordan)

On motion, House Bill No. 2942 was made to conform with **Senate Bill No. 3060**; the Senate Bill was substituted for the House Bill.

Rep. Napier moved that Senate Bill No. 3060 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Napier moved that **Senate Bill No. 3060** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2675 -- Highway Signs - "Bicentennial Mall," I-40, I-65 and I-265, Davidson County. by *Pruitt. (*SB2734 by *Harper)

On motion, House Bill No. 2675 was made to conform with **Senate Bill No. 2734**; the Senate Bill was substituted for the House Bill.

Rep. Pruitt moved that Senate Bill No. 2734 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Pruitt moved that **Senate Bill No. 2734** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MONDAY, MARCH 11, 1996 -- SEVENTY-SECOND LEGISLATIVE DAY

***House Bill No. 2331** -- Highways, Roads and Bridges - Requires notification by county highway commission to adjoining landowners before road can be designated as "county road." Amends TCA Section 54-8-102. by *Buck. (SB2544 by *Springer)

Further consideration of House Bill No. 2331 previously considered on today's Calendar.

Rep. Buck moved that House Bill No. 2331 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2331 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

Whenever the legislative body of a county or metropolitan government plans to add or delete a roadway to or from the county road system, which was formerly a part of the county road system and then was subsequently abandoned by the county, the office of the county executive shall, thirty (30) days prior, provide written notice to all landowners adjoining the affected roadway. Notice shall be mailed to the address listed on the tax roles for the properties in question.

On motion, Amendment No. 3 was adopted.

Rep. Buck moved that **House Bill No. 2331**, as amended be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

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A motion to reconsider was tabled.

House Bill No. 3157 -- Adoption - Puts amendments adopted in 1995 by House that were removed by Senate action back into adoption law. Amends TCA Title 36, Chapter 1, Part 1 and Title 37, by *McMillan. (*SB3107 by *Haynes)

Rep. McMillan moved that House Bill No. 3157 be passed on third and final consideration.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. McMillan moved that **House Bill No. 3157** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	2
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Boyer, Bragg, Brooks, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Bird, Bowers -- 2.

Representatives present and not voting were: Brown, Jones, U. (Shelby) -- 2.

A motion to reconsider was tabled.

***House Bill No. 2352** -- Motor Vehicles, Tinting and Registration - Authorizes issuance of special license plates for members of Ducks Unlimited. Amends TCA Title 55, Chapter 4, by *Fitzhugh, *Herron, *Williams (Williamson). (SB2576 by *Wilder)

Rep. Fitzhugh moved that House Bill No. 2352 be passed on third and final consideration.

Rep. Fowkes moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2352 by adding the following language in the amendatory language of Section 3 as a new subsection (g):

(g) The funds derived from the sale of Ducks Unlimited special license plates, less the costs the state has incurred in designing and manufacturing such plates, shall be deposited in a special fund in the general fund to be used exclusively for grants by the commissioner of conservation and environment to Ducks Unlimited.

On motion, Amendment No. 1 was adopted.

Rep. Fitzhugh moved that **House Bill No. 2352**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Coffey, Duer -- 2.

A motion to reconsider was tabled.

***House Bill No. 1998** -- Correction, Dept. of - Requires commissioner to notify law enforcement officials as soon as practicable if inmate furlough authorized less than five days before release of inmate. Amends TCA Section 41-21-239. by *Westmoreland, *Kent, (SB2064 by *McNally, *Haun, *Holcomb, *Crowe, *Atchley, *Eisea, *Rice, *Hamilton, *Carter, *Leatherwood, *Burks, *Rice, *Crowe, *Haun)

Rep. Westmoreland requested that House Bill No. 1998 be moved to the heel of the Calendar.

MONDAY, MARCH 11, 1996 -- SEVENTY-SECOND LEGISLATIVE DAY

***House Bill No. 2048** -- Education, State Board of - Authorizes special arrangements for taking teacher certification test by certain handicapped applicants. Amends TCA Title 49, Chapters 1, 2 and 5. by *Davis. (SB2146 by *Haun)

Rep. Davis moved that House Bill No. 2048 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2048 by inserting after the words "The department" in the first line of the amendatory language in Section 1 of the printed bill, the following:

shall allow an extra year for an applicant to be administered the state teachers certification test and

On motion, Amendment No. 1 was adopted.

Rep. Davis moved that **House Bill No. 2048**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2022** -- Driver Licenses - Removes intrastate restriction; redefines "gross vehicle rating"; adds to reasons for commercial license suspension by commissioner. Amends TCA Section 55-50-102(12)(D)(i) and Section 55-50-405. by *Patton, *Bittle, *Boyer, *McDaniel. (SB2074 by *Haun, *McNally, *Atchley, *Koella, *Elsea, *Crowe)

Rep. Patton moved that House Bill No(s). 2022 be reset to the Regular Calendar for March 13, 1996, which motion prevailed.

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Senate Bill No. 2061 -- Insurance Companies, Agents, Brokers - Enacts "Risk Based Capital for Insurers Act."; clarifies that working papers and examination records are confidential; revises Medicare Supplement Minimum Standards Act. Amends TCA Title 56, Chapters 1, 2 and 7. by *Koella, *Haun, *McNally, *Atchley, *Eisea, *Crowe. (*HB2019 by *Wood, *Bittle, *Kent)

Further consideration of House Bill No. 2925, previously considered on March 6, 1996, at which time the Senate Bill was substituted for the House Bill, and reset to today's Calendar.

Rep. Wood moved that Senate Bill No(s). 2061 be reset to the Regular Calendar for March 13, 1996, which motion prevailed.

***House Bill No. 2416** -- Cemeteries - Changes from net income earned from improvement care trust fund to net earnings that is to be for improvement care for cemetery companies. Amends TCA Section 46-2-302. by *Byrd. (SB2757 by *Ford J)

Rep. Byrd moved that House Bill No(s). 2416 be reset to the Regular Calendar for March 18, 1996, which motion prevailed.

House Bill No. 2925 -- Insurance, Health, Accident - Enacts "Domestic Violence Victims Health Insurance Protection Act." Amends TCA Title 56. by *Chumney, *Chumney, *Purcell, *Naifeh, *Herron, *Eckles, *Pinion, *Fitzhugh, *White, *Bowers, *Williams (Williamson), *Odom, *Brown, *Head, *Halteman Harwell, *West, *DeBerry J, *Jones, S., *Pruitt, *McMillan, *Turner (Ham), *Brooks. (*SB2735 by *O'Brien, *Crowe, *Wallace, *Crutchfield, *Harper, *Rice, *Jordan)

Rep. Chumney moved that House Bill No. 2925 be passed on third and final consideration.

On motion, Rep. Byrd withdrew Health & Human Resources Committee Amendment No. 1.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2925 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Title 56, Chapter 8, is amended by adding the provisions of this act as a new part.

AND FURTHER AMEND by adding the following new item at the end of Section 1:

() "Underwrite" means to properly classify individuals who request insurance coverage and includes but is not limited to the acts of refusal to insure, refusal to continue to insure, limiting the amount, extent or kind of coverage, or charging a different rate for coverage.

AND FURTHER AMEND by deleting Section 2 in its entirety and substituting instead the following:

No insurer or health carrier may engage in an unfairly discriminatory act or practice as defined herein against a subject of abuse on the basis of that abuse status.

AND FURTHER AMEND by deleting the first two (2) sentences of Section 3(4) and substituting instead the following:

Disclosing or transferring any information, by a person employed by or contracting with a health carrier, relating to an applicant's or insured's abuse status or abuse-related medical condition, or the applicant's or insured's status as a family member, employer or associate of, or in a relationship with a subject of abuse, except (a) for purposes related to the provision of health care services, (b) for the purpose of administering claims, utilization review or case management or (c) where required by the commissioner or a court of competent jurisdiction.

AND FURTHER AMEND by deleting Section 4 in its entirety and substituting instead the following:

Underwriting in accordance with the standards set forth below shall be deemed not to be a violation of this act. Upon request of the commissioner, a health carrier or insurer of an individual or group policy that has taken an action that adversely affects a subject of abuse on the basis of an abuse-related medical condition must explain the reason for its action to the commissioner in writing and must be able to demonstrate that its action:

(1) Does not have the purpose or effect of treating abuse status as a medical condition or underwriting criterion;

(2) Is otherwise permissible by law and applies in the same manner and to the same extent to all applicants and insureds with a similar medical condition without regard to whether the condition or claim is abuse-related; and

(3) Is based on a determination, made in conformance with actual or reasonably anticipated actuarial experience.

AND FURTHER AMEND by deleting Section 5 in its entirety.

AND FURTHER AMEND by deleting the language "through means such as suspension or revocation of certificates of authority or licenses, imposition of civil

penalties, imposition of injunctive relief, requiring restitution, referral to prosecutorial authorities or any combination of these. The powers and duties set forth in this section are in addition to all other authority of the commissioner." from Section 6 and by substituting instead the language "pursuant to Sections 56-8-108 and 56-8-109".

On motion, Amendment No. 2 was adopted.

Rep. Chumney moved that **House Bill No. 2925**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2974 -- Metropolitan Government - Requires mayor to appoint director from each of nine school districts to sports authority board of directors; additional directors from community. Amends TCA Title 7, Chapter 67. by *Garrett, *West, *Langster, *Pruitt. (*SB3093 by *Harper, *Harper, *Haynes, *Rochelle, *Henry)

Rep. Garrett moved that House Bill No. 2974 be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2974 by deleting all the language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 7-67-108(a), is amended by designating the first seven sentences as subdivision (1) and designating the remaining sentences as subdivision (2).

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SECTION 2. Tennessee Code Annotated, Section 7-67-108(a), is further amended by adding the following language at the beginning of the newly designated subdivision (2):

In counties having a metropolitan form of government, there shall be no more than thirteen (13) directors. Nine (9) of such members of the board of directors shall be appointed based on residency with at least one (1) director being appointed from each Metropolitan public school district. Of the remaining four (4) members, one (1) director shall be a resident of each of the four (4) state senatorial districts. This act shall not affect the terms of the current members of the sports authority board of directors, but appointments shall be made for the new positions created by this act and as terms expire and vacancies occur so as to meet the residency requirements established in this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Garrett moved that **House Bill No. 2974**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2525 -- Alcoholic Beverages - Redefines "hotel" under liquor by drink law to include residence hotels in Memphis with common smoking and lobby area. Amends TCA Section 57-4-102. by *Jones R (Shelby). (*SB2780 by *Cohen)

Further consideration of House Bill No. 2525, previously considered on March 7, 1996, and reset to today's Calendar.

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Rep. Jones R (Shelby) moved that **House Bill No. 2525** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	54
Noes	34
Present and not voting.....	4

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, DeBerry, J., DeBerry, L., Fitzhugh, Garrett, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, McDaniel, McKee, McMillan, Miller, Napier, Odom, Peach, Phelan, Pruitt, Purcell, Rhinehart, Rinks, Robinson, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 54.

Representatives voting no were: Beavers, Burchett, Byrd, Clabough, Cross, Duer, Dunn, Fowlkes, Givens, Haley, Herron, Hicks, Jackson, Kerr, McAfee, McDonald, Patton, Phillips, Pinion, Ramsey, Ridgeway, Ritchie, Roach, Sharp, Shirley, Stulce, Venable, Walley, Westmoreland, White, Williams (Union), Windle, Winningham, Wood -- 34.

Representatives present and not voting were: Bird, Boyer, Joyce, Newton -- 4.

A motion to reconsider was tabled.

House Bill No. 2448 -- Alcoholic Beverages - Redefines "aquarium" for purposes of consumption of alcoholic beverages - Amends TCA Title 57, Chapter 4. by *Brown, *Turner (Shelby), *Jones R (Shelby). (*SB2399 by *Crutchfield)

Further consideration of House Bill No. 2448, previously considered on March 7, 1996, and reset to today's Calendar.

Rep. Brown moved that House Bill No(s). 2448 be reset to the Regular Calendar for March 13, 1996, which motion prevailed.

House Bill No. 3134 -- Highway Signs - Removes restriction on placing tourist oriented directional signs (TODS) on scenic highways; eliminates conflict in law regarding TODS on scenic highways. Amends TCA Title 54, Chapter 518 of the Public Acts of 1995, and Chapter 530 of the Public Acts of 1995. by *Kerr, *Callicott, *Jones R (Shelby), *Westmoreland, *Gunnels. (*SB2830 by *Koella)

Further consideration of House Bill No. 3134, previously considered on March 7, 1996, at which time the House adopted Amendment No. 1 and withdrew Amendment No. 2, and reset to today's Calendar.

Rep. Kerr moved that House Bill No. 3134, as amended, be passed on third and final consideration.

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Rep. Rhinehart moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 3134 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
4,800	5,100
8,600	8,900
9,650	10,000
13,100	13,370
24,600	24,900
32,900	33,000

On motion, Amendment No. 3 was adopted.

Rep. Kerr moved that House Bill No(s). 3134 be reset to the Regular Calendar for March 13, 1996, which motion prevailed.

House Bill No. 2193 -- Highways, Roads and Bridges - Prohibits excluding business establishment from participating in logo sign program merely because such establishment does not serve breakfast. Amends TCA Title 54, Chapter 5, Part 11. by *Whitson, *Davis. (*SB2220 by *Haun)

On motion, House Bill No. 2193 was made to conform with **Senate Bill No. 2220**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 2220, be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Whitson moved that **Senate Bill No. 2220** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney,

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Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Nalfeh -- 96.

Representatives present and not voting were: McAfee -- 1.

A motion to reconsider was tabled.

***House Bill No. 1998** -- Correction, Dept. of - Requires commissioner to notify law enforcement officials as soon as practicable if inmate furlough authorized less than five days before release of inmate. Amends TCA Section 41-21-239. by *Westmoreland, *Kent. (SB2064 by *McNally, *Haun, *Holcomb, *Crowe, *Atchley, *Elsa, *Rice, *Hamilton, *Carter, *Leatherwood, *Burks, *Rice, *Crowe, *Haun)

Further consideration of House Bill No. 1998 previously considered on today's Calendar.

Rep. Westmoreland moved that House Bill No(s). 1998 be reset to the Regular Calendar for March 18, 1996, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Jackson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 359 out of order, which motion prevailed.

Senate Joint Resolution No. 359 -- Memorials, Heroism - James Wade Moore. by *Springer, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsa, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Wallace, *Wilder, *Womack, *Wright.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Jackson, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Jackson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 360 out of order, which motion prevailed.

Senate Joint Resolution No. 360 -- Memorials, Heroism - James "Jimbo" Cleveland Warren. by *Springer, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Eisea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Wallace, *Wilder, *Womack, *Wright.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Jackson, the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. McMillan, **House Bill No. 1959** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Bragg, **House Bill No. 2934** was recalled from the Transportation Committee and withdrawn from the House.

On motion of Rep. Stulce, **House Bill No. 154** was recalled from the Finance, Ways & Means Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on March 13, 1996:

House Bill No. 2582: by Rep. Cole(Carter).

House Bill No. 2104: by Rep. Pruitt.

House Bill No. 2033 by Rep. Rhinehart.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 453: Rep(s). Halteman Harwell as prime sponsor(s).

House Bill No. 765: Rep(s). Halteman Harwell as prime sponsor(s).

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House Bill No. 1107: Rep(s). Burchett as prime sponsor(s).

House Bill No. 1965: Rep(s). Givens and Rinks as prime sponsor(s).

House Bill No. 2430: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 2625: Rep(s). Langster as prime sponsor(s).

House Bill No. 2918: Rep(s). Windle and Curtiss as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 2019: Rep(s). Patton.

MESSAGE FROM THE GOVERNOR

March 11, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 2307 and 2639, without his signature.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

March 11, 1996

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 161, 435, 436, 440, 443, 445, 446, 450 and 456, with his approval.

HARDY MAYS, Counsel to the Governor.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2757; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2757 -- Cemeteries - Changes from net income earned from improvement care trust fund to net earnings that is to be for improvement care for cemetery companies. Amends TCA Section 46-2-302. by *Ford J.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2767; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1958, 1961, 2063, 2124, 2125, 2203, 2210, 2270, 2565, 2590, 2816, 2935, 3036 and 3133; also, Senate Joint Resolution(s) No(s). 346, 349, 350, 361 and 362; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2053, 2231 and 2594; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 11, 1996

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 398 and 454; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton),

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Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 2:00 p.m., Wednesday, March 13, 1996.